

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO**

**Clerk's Minutes**

**Before the Honorable Chief Judge William P. Johnson**

**Case No.:** CR 19-936 WJ

**Date:** September 26, 2019

**Parties:** USA v. Richard Johns

**Courtroom Clerk:** R. Garcia

**Court Reporter:** M. Loughran

**Interpreter:** N/A

**Type of Proceeding:** Motion Hearing on [38] Defendant's Motion to Appoint Counsel and [39] MOTION to Withdraw as Attorney by Martin Lopez III, P. C.

**Place of Court:** Albuquerque

**Total time in Court:** 7 minutes

**Evidentiary Hearing:** No

**Attorneys Present for Plaintiff(s):**

Sarah Jane Mease

**Attorneys Present for Defendant(s):**

Martin Lopez III

**Proceedings:**

2:08 Court in session; counsel enter appearances; Defendant present.

The Court takes up motions to withdraw and for new counsel.

Ms. Mease takes no position; advises Defendant that new counsel does not mean new/better plea offer.

The Court advises it is contemplating ordering a Form 13 PSR.

Ms. Mease does not object to the preparation of a Form 13 PSR; notes counsel have consulted Probation re Defendant's guideline calculations.

The Court advises it will move into ex parte session.

2:11 The Court moves into ex parte session; excused Ms. Mease from hearing.

2:44 Court back in open session.

Ms. Mease returns to the Courtroom; Court advises it will order Form 13; notes it has advised the

Defendant that new counsel would not result in a different/better plea offer from the Government, and the Court cannot force the Government to make a better plea offer; believes Form 13 would be beneficial and may help Defendant decide how he wishes to proceed; will defer ruling on motion(s) pending preparation of Form 13; it may be the Court will need to change lawyers; but, at some point, the Court can't keep changing lawyers; Defendant may have to represent himself with standby counsel; directs Mr. Lopez to await the Form 13 report and confer with his client and see if that changes anything. Then perhaps the Court can set a status conference to see where we are at.

2:48 Court in recess.